

Public (Elections) I (195₄₈.) Department.

SERIES.

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G.O. No. 3308.

Dated 28th December 1948.

[Despatch Abstract.]

Elections - New Constitution - Electoral Rolls -
Preparation - Enumeration of Government servants and
employees of local bodies - Residential qualification -
Relaxation - Not allowed - Papers recorded.

GOVERNMENT DRAS

Public (Election) Department.

Memo.No. 4717/48-1, Public(Election), dated 27-12-48.

Sub: Elections - New Constitution - Electoral rolls - Preparation - Enumeration of voters - Government servants and employees of local bodies - Residential qualification.

All Collectors are informed that the Government have since decided that the rule requiring residence for a period of not less than 180 days at the place where the name of the person is to be included in the electoral roll should not be relaxed in the case of Government servants and employees of local bodies and that the position should remain the same as under the existing constitution. As already instructed in Memo.No. 7442/48-2, Public(Election) dated 10-11-48, the rule as it stands should be strictly applied to Government servants and employees of local bodies also, subject only to the "constructive residence" rule.

2. Some Government servants and local board servants may stand registered as voters at places where they are not on duty at the time of elections. The question whether facilities should be given to such persons for exercising their franchise has also been considered by the Government. According to the rules under the existing constitution, no such facilities are provided except for those public servants who, at the time of voting, are on polling duty at a place other than the place where they can normally exercise their right to vote.-- vide rules 69 and 70 of the Rules for the Conduct of Elections to the Madras Legislative Assembly. The Government have decided that the same position should continue for elections under the new constitution of India.

Sd. x x

Chief Secy. to Government.

To

All Collectors.

Copy to the Executive Officer,

Panchayat Board, Danushkodi,

Ramnad District; with reference to his

letter R.S.C.No.170 of 48, dt.17-9-48.

NOTE FILE

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NOTE-FILE.

Public (Elections) Department.

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Please see the minutes at page 16 ante.

Articles 67 (6) and 149 (2) of the Draft Constitution lays down that every citizen who is not less than 21 years of age and is not otherwise disqualified under the New Constitution or under any Act of the Parliament or Provl. Legislature, as the case may be, on the ground of non-residence, unsoundness of mind, crime or corrupt or illegal practice shall be entitled to be registered as a voter. Paragraph 1 (1) (d) in Annexure II to G.O.No.2008, Public -(Elections), dated 19-8-48 (which is based on the instructions received from the Constituent Assembly Of India and under which the draft preliminary electoral rolls are being prepared) lays down that a person should have resided in the electoral unit of the area where his or her name is included for a period of not less than 180 days during the financial year ended on 31-3-1948. The electoral unit recognised in the G.O. referred to above is a village, Panchayat or Municipality.

2. Many Government servants who are transferred from place to place for administrative reasons, that is in the interests of public service, may thus not have the requisite residential qualification for registration as voters in any place or they may have their residential qualification at a place where they are not on duty now. Some of the Government servants can, of course, be registered under the "constructive residence" rule in the village, Panchayat or town, if any, where they own a house which had not been let out for rent and was at their disposal for not less than 180 days in the financial year ended 31-3-48. But even here, the Government servant may not possess the residential qualification at the place where he is on duty at the time of the registration.

3. It was considered that the right to vote is a fundamental right of a citizen and cannot be denied in the case of Government servants whose movements from station to station are entirely in the hands of the Government and cannot be controlled by themselves. It was therefore considered only fair that it should be ensured that Government servants are not only registered as voters but can exercise their right at the elections when they choose to do so. It was accordingly suggested for the approval of the Government that under the New Electoral Law it should be laid down that, when a Government servant has, in the aggregate the residential qualification at places in the Indian Union, he should be enumerated as a voter at the place where he happens to be serving or on leave at the time of the enumeration, and that facilities should be given to him for voting at the place where ~~he~~ he happens to be serving at the time of the election, in the same manner as has been prescribed under the existing rules for public servants who at the time of the election have to do polling duty at a place other than the place where they can normally exercise the right to vote. It was also considered that these arrangements must be extended to servants of local bodies also on the Government's notification as to the categories of such servants--viz.(1) servants of District Boards (within the district limits) and (2) Other servants of local bodies transferred by the Government or other competent Government Officer--being final and conclusive.

4. H.M.(Finance) has since discussed the subject with the Additional Secretary. The concessions granted to Government servants in the United Kingdom i.e., members of the Defence Services and persons in the service of the Crown in a post outside the United Kingdom of any prescribed category, in the matter of their registration as voters and the facilities provided for their voting by proxy or by Post was also considered. Such voters can get themselves registered as Service voters. The Registration Officers are required to keep records of the absent voters, i.e., those who can vote by Post, as well as of voters, for whom proxies have been appointed and of the names and addresses of the persons appointed as proxies.

5. Under the method of voting by Post, there will have to be special provision for sending the ballot papers to the persons registered as absent voters sufficiently in advance of the date of the poll so that their votes can reach the Returning Officer of the Constituency where their names have been registered, in time for the counting of votes. It was considered that, with our formidable new electorate under adult franchise, postal voting will be really complicated. H.M.(Finance) has considered that the proxy voting also will be a complication in that a person appointed as proxy will have two votes. He also considers that if any, indulgence is to be shown, we cannot stop with Government servants and employees of local bodies, and that the concession may have to be extended at least to the employees of the Banks and big firms etc. which have branches at several places. He therefore thinks that the position in respect of Government servants and employees of local bodies should remain the same as under the existing Constitution, i.e. the residential qualification must be strictly applied, subject only to the 'constructive' residence rule, and the indulgence in regard to voting should be confined to those public servants who, at the time of the voting, have to do polling duty at a place other than the place where they can normally exercise their right to vote, as provided under the existing rules.

6. H.M.(Finance) also considers that members of the Defence Services may perhaps be allowed some concession. Under the existing Constitution, there is no provision for the separate registration of service voters or for doing away with the residential qualification in the case of members of the Defence Services. The Indian Franchise Act, 1945 was only a temporary provision to enable returned war service personnel to be included in the electoral roll by relaxing the residential qualification suitably giving them credit for war services and for this purpose they had to apply not later than twelve months from the termination of their war service or from the date of the passing of the Act (viz. 24-10-45) whichever last occurred. There is also no provision under the existing Constitution for indulgence in regard to voting by Post or by proxies for members of the Defence Services in personal vote constituencies. H.M.(Finance) considers that any concession to be allowed to members of the Defence Services in this regard under the New Constitution may be left to be considered and decided by India who control those Services.

This note may be circulated to H.Pr. for information.

Sd. x x x

17-12-48.

A number of references from Collectors and others recommending indulgence in respect of Govt. servants

servants and employees of local bodies are pending the orders of Government.

May formal orders as at A at p.25 xxx. ante issue?.

Sd. x x
19-12-48.

From p. 23 ante.

H. Pr. Yes. O.P.R.
22-12.

A draft Memo is submitted for approval. After issue the papers may be recorded in a G.O. for facility of future reference.

Sd. x x
22-12-48. Approved. Issue on
27-12-48 without fail.

Sd. x x
25-12-48.
Addl. Secretary.

G.O.Ms.No. 3308, dated 28-12-48.

Elections - New Constitution - Electoral
Rolls - Preparation - Enumeration of
Government servants and employees of local
bodies - Residential qualification - Re-
laxation - Not allowed - Papers recorded

/True copy/

R. Thiagarajan
21.12.54
Office Assistant,
Madras Record Office.

PSR. 5-10-53.

Bmt
17-12 17-12